

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.

Venue: SAN JOSE

Monica Limon Gomez

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER:

08-MJ-70484 PVT

FILED

JUL 29 2008

NORTHERN DISTRICT COURT
SAN JOSE

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 28, 2008, in Santa Clara County, in the Northern District of California defendant(s) did, **willfully and knowingly used, or attempted to use an altered nonimmigrant visa (for entry to the United States)**, which is in violation of Title 18 United States Code, Section 1546(a).

I further state that I am a Customs and Border Protection Enforcement Officer and that this complaint is based on the following facts:

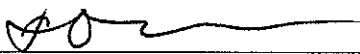
See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 USC Section 1546(a):

Ten years of imprisonment; \$250,000 fine; Three years of supervised release; and a \$100 special assessment fee.

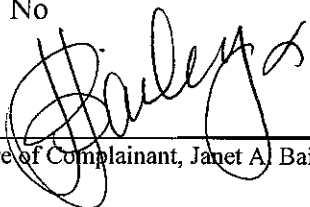
APPROVED AS TO FORM:


Thomas M. O'Connell, AUSA

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: N/A


Signature of Complainant, Janet A. Bailey

Sworn to before me and subscribed in my presence,

7/29/08 at San Jose, California
Date City and State

Patricia V. Turnbull
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)

AFFIDAVIT IN SUPPORT OF A CRIMINAL
COMPLAINT CHARGING MONICA LIMON GOMEZ
WITH VIOLATING 18 U.S.C. § 1546,
FRAUD AND MISUSE OF VISAS AND OTHER DOCUMENTS

I, Janet A. Bailey, do swear and affirm as follows,

Affiant Background

1. I am an Enforcement Officer (EO) with the United States Department of Homeland Security, Bureau of Customs and Border Protection (CBP). I have been employed with CBP since March 1, 2003. Previously, I was employed as an Immigration Inspector with the United States Department of Justice, Immigration and Naturalization Service, beginning in June 2, 2002. My duties include the investigation and prosecution of violations of the Immigration and Nationality Act, and related criminal immigration statutes that occur at the ports of entry in the San Francisco District (including San Jose International Airport). I am familiar with the provisions of criminal statutes pertaining to immigration violations, including 18 U.S.C. § 1546(a).

Purpose

2. This affidavit establishes probable cause to arrest Monica Limon Gomez for violating 18 U.S.C. 1546(a), Fraud and Misuse of Visas and Other Documents. This affidavit is based in part on personal knowledge, interviews, and reviews of official documents and records, and does not contain every fact, piece of information or evidence concerning this alleged violation.

3. Title 18 U.S.C. § 1546(a), Fraud and Misuse of Visas, Permits, and Other Documents, states, in relevant part: “Whoever knowingly utters, uses, attempts to use, possesses, obtains, accepts, or receives any visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry

into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained”— is guilty of a felony.

Case Facts and Evidence

4. On July 28, 2008, Monica Limon Gomez, the subject, arrived on board Mexicana Airline flight 952, from Guadalajara, Mexico, to Mineta San Jose International Airport. The subject presented a Mexico passport, number 08400010204, containing a United States visa, foil number 70954262. The subject presented these documents to the primary officer for admission into the United States. The subject also presented an Arrival and Departure Form I-94, number 636854360 19, with a signed Customs Declaration Form to Officer Van Le. All the documents presented were in the subjects' name, Monica Limon Gomez.

5. During primary inspection, Officer Le referred the subject for further verification of the authenticity of the visa as he believed the visa was an “altered or fake” visa.

6. On July 28, 2008, the subject was administratively interviewed in Spanish with the use of a certified interpreter. The subject made the following statement before CBP Officer Anastacio Tejada. The subject stated that her true name is Maria Limon Gomez and was born in Mexico City, Mexico. The subject stated that she is a citizen of Mexico. She stated her date of birth as March 9, 1967. The subject stated she applied for a visa at the United States Embassy (USEMB) in Mexico City on June 4, 2008, but was denied the visa. She further stated that she obtained the visa she presented “outside” the USEMB, for which she paid “Jose” approximately four thousand U.S. dollars (\$ 4,000.00).

7. In secondary inspection, the visa control number, 2008029160017, which was presented by the subject, was queried in the Consular Consolidated Database (CCD) with negative results. On July 29, 2008, I queried the visa foil number, 70954262, which the subject presented, in CCD. It showed that visa foil numbered, 70954262, was issued on June 22, 2004, to a South Korean male, Kil Yong LIM. Further query of subject was made in CCD with positive results for denial of B1/B2 nonimmigrant visa application on

June 4, 2008. In addition, the visa the subject presented is missing key security features. Based on these facts it is determined that the visa is counterfeit.

8. On July 29, 2008, CBPEO Xiomara Flores read the subject her Miranda Warnings in the Spanish language with me witnessing. The subject was provided a copy of the Miranda Warnings in the Spanish language. The subject acknowledged and waived her Miranda Rights and made the following statement before CBPEO Flores and myself.

- a. Her true and correct name is Monica LIMON GOMEZ and she was born in Mexico and citizen of Mexico. She was born on March 9, 1967.
- b. She stated that she was denied a United States visa by the USEMB in Mexico City, Mexico, sometime in June 2008. As she was leaving the Embassy, a man approached her outside and asked if she was denied a visa to which she replied, "Yes." Showing her the U.S. visas he held in his hand, he told her that he could help her "make a visa" to enter the U.S. He identified himself as "Jose." She stated that he gave her a phone number and was told to call him if she decided she wanted a visa from him. She contacted him and told him she wanted a visa. She was told to pay approximately four thousand U.S. dollars (\$ 4,000.00) for a visa. She provided him with her genuine Mexico passport and two photos. She stated that her passport was returned to her approximately twenty days later with a U.S. visa affixed within it.
- c. The subject stated she knew the U.S. visa was not properly issued to her by the USEMB.

Conclusion

10. I respectfully submit that the above presented facts establish probable cause to believe that Monica LIMON GOMEZ did knowingly and willfully use and attempt to use a false, forged, counterfeited, mutilated, and altered visa knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a), Fraud and Misuse of Visas and Other Documents, while in the Northern District of California. I declare under the

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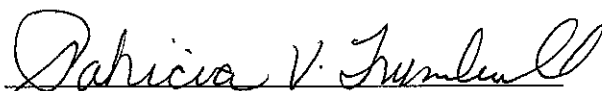
penalty of perjury under the laws of the United States that the foregoing is true and correct.



Janet A. Bailey
CBP Enforcement Officer
U.S. Bureau Customs and Border Protection
U.S. Department of Homeland Security

SUBSCRIBED AND SWORN BEFORE ME

ON July 29, 2008



The Honorable Patricia V. Trumbull
US Magistrate Judge
Northern District of California